

IN THE
INDIANA SUPREME COURT

IN THE MATTER OF)
REQUEST FOR APPROVAL)
OF LOCAL RULES) Case No.
FOR COURTS OF RECORD IN)
TIPPECANOE COUNTY)

REQUEST FOR APPROVAL OF LOCAL RULE
AMENDING CURRENT CASELOAD
ALLOCATION PLAN

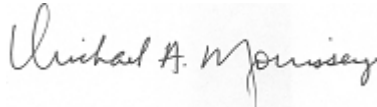
The judges of the courts of record of Tippecanoe County have decided to amend LR79-AR1(E)-1, their local rule pertaining to caseload allocation as required by Administrative Rule 1, and request that the Supreme Court approve the rule as amended.

The local rule indicated above is proposed for adoption without first being published for comment because good cause exists for the court(s) to deviate from the schedule established pursuant to T.R. 81 (D) and shall not be effective until so published for comment.

Accordingly, the judges of record of Tippecanoe County request approval of the above noted Local Rule as amended by assigning Public Intoxication cases to the Tippecanoe Superior Court No. 4.

Submitted this 30th day of November, 2007.

For the Courts of Record of Tippecanoe County



MICHAEL A. MORRISSEY, Judge of the Tippecanoe
Superior Court No. 6 and Presiding Judge of the
Tippecanoe Superior Courts No. 4, 5 and 6

NOTICE

The judges of the Courts of Tippecanoe County, having decided to modify the Local Rules of those courts, now give notice to the bar and public of the proposed assignment of Public Intoxication cases to the Tippecanoe Superior Court No. 4.

The bar and the public are invited to submit comments on these proposed modifications any other judge of a court of general jurisdiction in Tippecanoe County. Comments by the bar and public shall be received until December 31, 2007.

A rule requiring approval by the Indiana Supreme Court will be submitted to that court. The rule included in this proposal which requires Indiana Supreme Court approval is **LR79-AR1(E)-1**, which provides for the assignment of criminal cases pursuant to Administrative Rule 1(E).

Publication of this Notice is made pursuant to the Second Amended Schedule for All Local Rules dated November 30, 2005, set by the Indiana Supreme Court, Division of State Court Administration, by providing this Notice in digital format to the Tippecanoe County Clerk and to the Division of State Court Administration. The Tippecanoe County Clerk is directed to post this Notice in the county clerk's office and on the website maintained for Tippecanoe County government. Notice is also given to the President, officers, and members of the Tippecanoe County Bar Association.

Any modification of the Local Rules of the courts of Tippecanoe County, as set forth in the attached document, shall be effective January 1, 2008, but may not take effect until approved by the Supreme Court.

TIPPECANOE COUNTY LOCAL RULES OF COURT

LR79-AR1 (E)-1 County Caseload Plan

This Rule incorporates by reference the current caseload allocation plan for Tippecanoe County, as approved by the Indiana Supreme Court. The plan is subject to review every two (2) years. As of the date of the Order adopting these Rules, and subject to any modifications which may subsequently be made, the plan reads as follows:

1. All cases wherein the most serious charge alleged is Murder, a Class A, B, or C felony and those Class D felonies set forth in paragraph 2 below shall be assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County, on a random basis according to the following ratio:

<u>Court</u>	<u>Ratio</u>
Tippecanoe Circuit Court	2
Superior Court of Tippecanoe County	4
Superior Court No. 2 of Tippecanoe County	4

2. Class D felony cases assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County are as follows:

I.C. 35-42-2-1 (a) (2) (B)	Battery on a Child
I.C. 35-42-4-4 (b) (1) and (2)	Possession of Child Pornography; Child Exploitation
I.C. 35-42-4-5 (a)	Vicarious Sexual Gratification
I.C. 35-42-4-6	Child Solicitation
I.C. 35-42-4-7	Child Seduction
I.C. 35-42-4-9 (b)	Sexual Misconduct With a Minor
I.C. 35-49-3-3	Dissemination of Matter Harmful to Minors
I.C. 35-46-1-4	Neglect of a Dependent
I.C. 35-43-1-1 (d)	Arson
I.C. 35-48-4-4	Dealing in Schedule V Controlled Substance
I.C. 35-48-4-6	Possession of Cocaine or Narcotic Drug (not including residual amounts in paraphernalia, unless any habitual enhancement applies)

I.C. 35-48-4-7	Possession of Controlled Substances, Schedule I, II, III, IV, or V with more than 10 pills/or dosage units alleged
I.C. 35-48-4-10 (b)	Dealing in Marijuana
I.C. 35-48-4-11	Possession of Marijuana, with more than 50 grams alleged
I.C. 35-48-4-11	Possession of Marijuana with a prior conviction if any habitual enhancement is applicable

3. Where it is alleged that defendants, jointly commit a crime or crimes, their cases shall be filed together in the same court.
4. Superior Court No. 3 of Tippecanoe County exercises juvenile jurisdiction and will not receive filings of felony or misdemeanor cases. A case wherein juvenile jurisdiction is waived may be assigned to a court by agreement of the parties. In the absence of such agreement, the case shall be filed in accordance with the Local Rule on Assignments of Criminal Cases.
5. All Class D felonies, misdemeanors, and infractions alleging a violation of Indiana Code Title 9, Traffic Code, shall be assigned to Superior Court No. 6 of Tippecanoe County.
6. All Class D felonies, misdemeanor, and infractions alleging violation of Indiana Code Title 35, Article, Controlled Substances, and not set forth in paragraph 2 above, shall be filed in Superior Court No. 4 of Tippecanoe County. Glue Sniffing in violation of Indiana Code 35-46-6-2, and Public Intoxication cases shall be filed in Superior Court No. 4 of Tippecanoe County.
7. All remaining Class D felonies, misdemeanors, and infraction cases not specifically set forth above shall be filed in Superior Court No. 5 of Tippecanoe County.
8. A judge, by appropriate order may transfer and reassign to any other court of record in the county, any pending case, subject to acceptance by the receiving court.
9. A case transferred to Tippecanoe County by reason of change of venue from another county may be assigned to a court by agreement of the parties. In the absence of such an agreement, the case shall be filed in accordance with this Local Rule on Case Assignments.

10. When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which dismissal was taken.
11. In the event a change of judge is granted pursuant to Indiana Criminal Rule 12 or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk of court for random selection of another court from among all the courts in Tippecanoe County. On selection, the case shall be reassigned by the Clerk to the selected court.
12. In the event no judge is available for assignment or reassignment of a felony or a misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.